[Use of force in Kashmir](https://nation.com.pk/27-Feb-2019/use-of-force-in-kashmir%22%20%5Ct%20%22_new)

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The Kashmir dispute dates back to 1947 when Indian sub-continent was divided on religious grounds with Muslim majority areas on the West and East forming Pakistan, and the rest forming part of India. However, princely states had the option to either join India or Pakistan, and Kashmir’s Maharaja decided to remain neutral. In October 1947, Muslim tribal raiders from Pakistan entered Kashmir to take it by force and Maharaja appealed to India for help and also signed the Instrument of Accession to India. However, this accession was not absolute and it was incorporated as Article 370 of the Indian Constitution. It made India responsible for defence, foreign affairs and communications and other than these subjects, Kashmir was autonomous. Article 370 has been distorted by the Indian government through executive orders and it takes away the autonomy which was reserved for the State of Kashmir. The constant interference by the Indian government and the poor record of democracy in Kashmir led to armed insurgency in the late 1980s and since then the strength of insurgency has fluctuated. The Indian government’s response to insurgency has been disproportionate at times which has further antagonised the local population. The situation in Kashmir, as of now, is more of a stalemate where despite support from Pakistan, insurgents have not prevailed in the battlefield. Similarly, Indian forces have not been able to crush the insurgents militarily. Therefore, it can be argued that neither side has been able to achieve its political objectives through the use of force. Maybe, the answer to the dispute would eventually lie in conducting a meaningful dialogue amongst all the stakeholders.

There was a period of relative peace in Kashmir in the late 1970s and early 1980s when democracy in Kashmir was flourishing and process integration and nation-building were taking place. However, in the late 1980s, the conflict seems to have been initiated by the failure of political institutions and leadership of Kashmir to handle pressure from an interventionist Central government. The elections of 1987 were rigged to ensure that Muslim United Front did not win the election which was the turning point for democracy in Kashmir. The young activists who were trying to show their discontent about the situation in Kashmir by participating in the electoral process got disillusioned and decided to join armed struggle after the elections of 1987. Post-1987 elections, many Kashmiris crossed into Pakistan and enrolled for military training and they returned to initiate insurgency against the Indian government. By 1989, a strong middle class had emerged, disaffected and large, and provided a much more fertile ground for an uprising. The role of Pakistan in supporting insurgents cannot be denied, however, this does not account for the breakdown of democracy in Kashmir and one can argue that supporting an uprising is different from creating it.

In order to counterinsurgency, Indian government deployed troops throughout the State of Kashmir and this is one of the highest troops to civilian population density ratio in any region in the world. The army was not trained for this type of guerrilla warfare and as a result, there were times when excesses were committed by the army. Brigadier Arjun Ray has argued that the soldiers are trained to apply maximum force to achieve their target against an identifiable enemy, however, in the case of insurgency its one’s own people who have taken up arms against him and even though one may win militarily by use of force but can still end up losing the war. This long drawn war has had its toll on the soldiers as well and they have suffered from trauma, hypertension, and casualties at the hands of insurgents. The Indian government was initially reluctant to acknowledge the excesses, indiscriminate killings and arbitrary disappearances which were reported by different human rights groups. However, over time they realised that these excesses on part of the army alienated the domestic population of Kashmir and adversely affected the International opinion regarding India. It was noted by the International Commission of Jurists that although the Indian government is anxious to improve the human rights conditions in Kashmir, however, there was still more that needed to be done to overcome indiscipline and misconduct of the security forces. According to Amnesty International, ‘the brutality of torture in Jammu and Kashmir defies belief. It has left people mutilated and disabled for life.’

The situation was made worse by legislation such as Jammu and Kashmir Public Safety Act 1978 and Terrorist and Disruptive Activities Prevention act 1987. The former Act permitted to detain people for up to two years on vague grounds and the latter Act broadly defined disruptive activities which violated fundamental rights. The cumulative effect of such legislation is that the government has been able to act with relative impunity in the state of Jammu and Kashmir. The counterinsurgency tactics employed by Indian forces have been termed as disproportionate at times and have been counterproductive. Since the killing of Burhan Wani and two other Hizb-ul-Mujahideen militants, on 8th July 2016, there have been a number of demonstrations. The protestors have hurled rocks towards the armed forces and they have responded by firing pellet guns, teargas, and live ammunition.

India is a democracy; however, by distorting Article 370 through executive orders and interference in elections, it is going against the basic democratic principles. A comparison may be drawn with the Northern Ireland, where British first tried to overcome insurgency with the use of forces, however, later on, politicians took the ownership and the issue was resolved through a political process. It has been argued by a few academics that Indian politicians have lacked the skill and generosity to reach out to the Kashmiris. However, the burden is not just on the Indian government; the militants also need to come to the table. Pro-Pakistan militant groups will not participate unless Pakistan is on board. In order for Kashmir to have peace, India and Pakistan need to compromise. The lack of compromise will only prolong the tale of sorrow.